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11 Attorneys for Defendants
12 PROTIVA BIOTHERAPEUTICS, INC.
and MARK J. MURRAY

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15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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18 SIRNA THERAPEUTICS, INC.,

Case No. C 06-01361 MMC

19 v. Plaintiff,

**JOINT STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE**

20 PROTIVA BIOTHERAPEUTICS, INC.,
and MARK J. MURRAY,

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22 Defendants.

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The parties herein, by and through their counsel of record, hereby stipulate and agree as follows:

WHEREAS, because defendants Protiva Biotherapeutics, Inc. and Mark J. Murray has filed a Motion to Dismiss scheduled for hearing on November 17, 2006 and for the purpose of judicial economy and efficiency, the parties respectfully request the Court to continue the initial Case Management Conference to the date of the Motion to Dismiss hearing and to continue the associated dates as set forth below.

NOW, THEREFORE, the parties request that the Court order the following:

(1) on or before October 27, 2006, the parties will meet and confer to establish a case management schedule;

(2) on or before November 9, 2006, the parties will file a Joint Case Management Statement with the Court, which shall either propose deadlines that have been agreed to by the parties or shall set forth each of the parties' separate views on the deadlines to be established; and

(3) the Case Management Conference is continued to November 17, 2006.

SO STIPULATED.

Dated: September 22, 2006

O'MELVENY & MYERS LLP

By: /s/ Meredith N. Landy
Meredith N. Landy

Attorneys for Plaintiff
SIRNA THERAPEUTICS, INC.

Dated: September 22, 2006

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____ /s/ Elizabeth A. Howard
Elizabeth A. Howard

Attorneys for Defendants
PROTIVA BIOTHERAPEUTICS, INC.
and MARK J. MURRAY

CERTIFICATION OF CONCURRENCE

I hereby attest that concurrence in the filing of this document has been obtained from
counsel for defendants, Elizabeth A. Howard.

Dated: September 22, 2006

O'MELVENY & MYERS LLP

By: /s/ Meredith N. Landy
Meredith N. Landy

Attorneys for Plaintiff
SIRNA THERAPEUTICS, INC.

ORDER

IT IS SO ORDERED.

Dated: September 22, 2006

Maxine M. Chesney
The Honorable Maxine M. Chesney
United States District Judge